THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.14623 OF 2006

ORAL ORDER:

The petitioner is a company established under the Companies Act, to deal with manufacture of intermediates and bulk drugs. It is stated that from December, 1999 onwards, the petitioner-company was in financial crisis, and since it became sick in the year 2001, a reference was accordingly, made to the BIFR. In the meanwhile, the respondent issued the impugned notice dated 8.5.2006, under the provisions of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act"), calling upon the petitioner to remit a sum of Rs.7,31,956/- towards penal damages under Section 14-B and Rs.1,35,984/- towards interest under Section 7Q of the Act, within a period of 15 days, failing which, the dues will be recovered, as envisaged under Section 8-F and 8B of the Act. The petitioner could not comply with the same and, consequently, order under Section 8-F of the Act, was passed on 13.6.2006. Aggrieved by the said action of the respondent, this writ petition is filed.

Though the petitioner raised various grounds on merits, it is to be noted that against the impugned order dated 8.5.2006, an appeal lies under Section 7-I of the Act. Without exhausting the said efficacious alternative remedy of appeal, the petitioner cannot maintain this writ petition. Hence, I am not inclined to entertain this writ petition.

Accordingly, the writ petition is disposed of, granting leave and liberty to the petitioner to work out the remedy of appeal under Section 7-I of the Act, within a period of four weeks from the date of receipt of a copy of this order, in which event, the same shall be entertained and decided on merits, in accordance with law. It is made clear that till the disposal of such appeal, the impugned order dated 8.5.2006 shall not be given effect to subject to the condition that the petitioner deposits half of the amount demanded under the impugned notice within a period of eight weeks from today. No costs.

(G. ROHINI, J.)

18th July, 2006.

Kgr

Issue CC in two days.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.14623 OF 2006

18th July, 2006.

Between:

M/s Indian Chemphar,
Plot Nos.218 & 219, Phase-II,
IDA, Pashamylaram, Medak district,
represented by its Managing Director – M. Raghu. .. Petitioner.

And

Employees Provident Fund Organization,
represented by its Assistant Provident
Fund Commisioner, Sub-Regional Office,
Patancheru, Medak District. .. Respondent.